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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,760	10/02/2003	Gregory Richardson	60680-718	4930
26127	7590	02/06/2006	EXAMINER	
DYKEMA GOSSETT PLLC 39577 WOODWARD AVENUE SUITE 300 BLOOMFIELD HILLS, MI 48304-5086			ROSENBERG, LAURA B	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

Office Action Summary	Application No.	Applicant(s)	
	10/677,760	RICHARDSON, GREGORY	
	Examiner	Art Unit	
	Laura B. Rosenberg	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9,14-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-8,10-13,18 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/19/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: spring seat 100. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

"suspension 216" should be changed to --suspension 200-- (paragraph 0032, line 3)

"suspension 16" should be changed to --suspension 200-- (paragraph 0036, line 1).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 9, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Petit (6,607,206). Petit discloses a suspension (including #100) able to couple a steer axle assembly (for example, front truck axle, as seen in figure 1) to a vehicle frame having first and second longitudinal frame rails (including rails of frame #70; best seen in figures 2-4), comprising:

- Body (for example, including central portion of leaf #10 located near #20) coupled to an axle beam (including #20) of the steer axle assembly
- First arm (for example, including forward portion of leaf #13) extending from the body and coupled to the frame at one end (for example, at the forward end) and pivotable about a pivot axis (for example, at #72) disposed proximate the one end and extending transversely to the longitudinal frame rails (best seen in figures 2, 3)
- First guide member (for example, including rearward ends of leaf spring that extend through aperture in bracket) connected to the body and received within an aperture (for example, including #48/49) defined by a bracket (for example, including #40) of the frame

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- Aperture is able to limit lateral movement, but allow vertical movement, of the first guide member and the axle beam relative to the longitudinal frame rails (column 3, line 65-column 4, line 14; can be seen in figure 4)
- Spring (including #60) disposed between the axle beam and frame and supported by a spring seat (including end #14) defined by the body (best seen in figure 3)
- Second arm (for example, including rearward portion of leaf #13) extending from the body in a substantially opposite direction from the first arm
- Spring disposed between the second arm and the frame (best seen in figures 2, 3)
- Shock absorber (including #30) having an eye (for example, circular portion at end #32) supported on a rod (for example, rod extending through circular portion at end #32) extending from the second arm (can be seen extending from rearward end of leaf #17 in figure 2; column 3, lines 18-19, 61-64)
- The bracket and the first guide member are disposed at least partially above the axle beam and on one side of the axle beam (best seen in figure 3)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petit (6,607,206) in view of Gottschalk et al. (6,073,947). Petit discloses a steer axle (for

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example, front truck axle, as seen in figure 1) and suspension assembly (including #100) for a vehicle including a vehicle frame having first and second longitudinal frame rails (including rails of frame #70; best seen in figures 2-4), comprising:

- Steer axle assembly including axle beam (including #20) extending transversely to the frame rails (best seen in figures 2, 3)
- Suspension including body (for example, including central portion of leaf #10 located near #20) coupled to the axle beam, first arm (for example, including forward portion of leaf #13) extending from the body and coupled to the frame at one end and pivotable about a pivot axis (for example, at #72) disposed proximate the one end and extending transversely to the frame rails, and a first guide member (for example, including rearward ends of leaf spring that extend through aperture in bracket) connected to the body and received within an aperture (for example, including #48/49) defined by a bracket (for example, including #40) of the frame, wherein the aperture is configured to limit lateral movement, but allow vertical movement, of the first guide member and the axle beam relative to the frame rails (column 3, line 65-column 4, line 14; can be seen in figure 4)

Petit does not disclose the specifics of the axle beam attachment to each wheel.

Gottschalk et al. teach a steer axle (column 4, lines 4-14) and suspension assembly (including #1) for a vehicle including a vehicle frame having first and second longitudinal frame rails (including #3), comprising steer axle assembly (kingpin steerable assembly generally referred to as #7A) including:

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- Axle beam (including #5) extending transversely to the frame rails (best seen in figures 2a, 2b) and defining a bore at one end (not labeled, but best seen in figure 3)
- Kingpin (including #7) disposed within the bore
- Steering knuckle (not labeled, but best seen in figure 3) supported on the kingpin

It would have been obvious to one skilled in the art at the time that the invention was made to modify the steer axle assembly of Petit such that it comprised a bore in the axle beam, kingpin, and steering knuckle as claimed in view of the teachings of Gottschalk et al. since such assemblies are conventional and well known in the art.

Allowable Subject Matter

7. Claims 5-8, 10-13, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pashkow, Fenton, Dudding et al., and Svartz et al. each disclose an axle and suspension system including an axle beam, a first arm with a pivot axis, and a second arm with a spring.


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Vogler and Dudding each disclose an axle and suspension system including an axle beam, a first arm with a pivot axis, a second arm, and a spring.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
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LBR

 2/2/06
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